

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: 3 13 06

Signature: Maria Can  
(Maria Can)

Docket No.: 63249(50964)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Patent Application of:  
Barbara Monse et al.**

Application No.: 10/532,263

Confirmation No.: 8632

Filed: April 12, 2005

### **Art Unit; Not Yet Assigned**

**For: N,N-BRIDGED, NITROGEN-SUBSTITUTED  
CARBACYCLIC INDOLOCARBAZOLES AS  
PROTEIN KINASE INHIBITORS**

Examiner: Not Yet Assigned

Assistant Commissioner for Patents  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

08/31/2326 SBASHEIR 00000000 041105 10532263  
01 111463 200.00 00

Dear Sir:

**PETITION UNDER 37 C.F.R. §1.47(a)**

Sir:

In connection with the Response to Notice to File Missing Requirements ("the Response") being submitted on even date herewith, Applicants submit this Petition under 37 C.F.R. §1.47(a).

In this application, a Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office was mailed by the U.S. Patent and Trademark Office on September 12, 2005. The Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office indicated that an Oath or Declaration of the inventors was missing.

Together with the Response, Applicant submits a Combined Declaration and Power of Attorney executed by nine (9) of the ten (10) named inventors.<sup>130</sup> However, the remaining inventor, Hanno Roder, has not executed the Declaration.<sup>131</sup> CR

03/15/2006 LLANDGRA 00000052 041105 10532263

02 FC:1464 130.00 DA

RECEIVED

17 MAY 2006

Application No.: 10/532,263

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Docket No.: 63249(50964)

Accordingly, this is a petition under 37 C.F.R. §1.47(a) to accept the declaration executed by the nine inventors on behalf of themselves and the non-signing inventor in order to avoid prejudice to the remaining inventors and the Assignee.

Statement of Facts

The accompanying Declaration of Dr. Georg Schnappauf (which is incorporated herein by reference) sets forth the pertinent facts establishing the failure by Hanno Roder to sign the declaration. In brief, the facts are as follows.

- Hanno Roder contributed to the making of this invention while under an obligation to assign his rights in the invention to NAD AG.
- Mr. Roder is no longer employed by NAD AG nor by SIRENADE Pharmaceuticals AG as successor-in-interest to NAD AG.
- After repeated efforts to contact Mr. Roder by mail and e-mail in connection with the filing of the present application, at his last known address and other addresses, Mr. Roder has either not been located despite diligent effort, or has refused to cooperate.

Based on the above facts (as further described in the accompanying Declaration), it has been concluded that either (1) Hanno Roder cannot be found or reached after diligent effort, and/or (2) Hanno Roder was presented with the formal papers and a copy of the application as filed (including the specification, claims, and drawings), that Hanno Roder has failed to sign the declaration and that Hanno Roder is unwilling to execute the declaration at this time. Thus, relief under 37 C.F.R. §1.47(a) is requested on behalf of the remaining inventors and the Assignee.

As stated in the attached Declaration, Mr Roder's last known address in the United States is 39 Woodside Ave., Westport, CT 06880, U.S.A., although delivery of papers was also attempted at additional addresses (as also described in the Declaration).

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Relief Requested

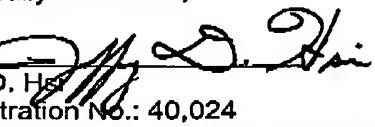
It is requested that the declaration executed by the nine inventors on behalf of themselves and the non-signing inventor be accepted. In order to avoid prejudice to the applicants and the Assignee.

Please charge the petition fee under 37 C.F.R. 1.17(g) to our deposit account as set forth below.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 63249(50964).

Dated: March 13, 2006

Respectfully submitted,

By   
Jeffrey D. Hirsch  
Registration No.: 40,024  
EDWARDS ANGELL PALMER & DODGE  
LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
(617) 439-4444  
Attorneys/Agents For Applicant

B082\_532700.1

Docket No.: 63249(50964)  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Barbara Monse et al.

Application No.: 10/532,263

Filed: April 12, 2005

For: N,N-BRIDGED, NITROGEN-SUBSTITUTED  
CARBACYCLIC INDOLOCARBAZOLES AS  
PROTEIN KINASE INHIBITORS

Confirmation No.: 8632

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Assistant Commissioner for Patents  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF DR. GEORG SCHNAPPAUF IN SUPPORT OF  
PETITION UNDER 37 CFR §1.47(a)

Sir:

1. I, Dr. Georg Schnappauf, declare and say that I am a European Patent Attorney with the firm of Dr. Volker Vossius in Munich, Germany. I have represented NAD AG, and I now represent SIRENADE Pharmaceuticals AG, as successor to NAD AG.

2. In connection with this application, a Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office was mailed by the U.S. Patent and Trademark Office on September 12, 2005. The Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office indicated that an Oath or declaration of the inventors was missing.

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3. I have attempted to contact Hanno Roder, an inventor named on the above-referenced U.S. patent application, to obtain the signature of the inventor as required by 37 C.F.R. §1.45, to respond to the Notification of Missing Requirements.

4. To date, I have not been successful in obtaining the signature of Hanno Roder on an oath or declaration.

5. The pertinent facts are as follows:

- On information and belief, Hanno Roder contributed to the making of this invention while under an obligation to assign his rights in the invention to NAD AG.
- On information and belief, Mr. Roder is no longer employed by NAD AG or its successor SIRENADE Pharmaceuticals AG.
- On information and belief, on October 19, 2005, SIRENADE Pharmaceuticals AG, as successor to NAD AG, sent an e-mail to Mr. Roder at his then-current e-mail address, attaching a Declaration and Assignment for execution. A copy of the e-mail sent to Mr. Roder is attached.
- On information and belief, no response to the October 19, 2005 e-mail was received.
- On information and belief, another request for execution of the formal papers was sent to Mr. Roder by SIRENADE Pharmaceuticals AG on November 7, 2005.
- On information and belief, Ms. Lynn Butler, managing director of SIRENADE Pharmaceuticals AG, received an e-mail message from Mr. Roder on November 12, 2005. In the e-mail message, Mr. Roder stated that the forms were not "really needed". I believe that Mr. Roder refused to sign the Declaration and Assignment. Copies of the November 7, 2005, and November 12, 2005 e-mails are attached.

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- On January 23, 2006, I sent a copy of the subject patent application, together with the Declaration and Assignment, by courier to Mr. Roder's last known address in the United States (39 Woodside Ave., Westport, CT 06880). However, the envelope was returned unopened after three delivery attempts.
- On January 23, 2006, I sent a copy of the subject patent application, together with the Declaration and Assignment, by certified letter with reply to Mr. Roder's last known address in Germany (Menzinger Strasse 160, 80997 München, Germany). However, the envelope was returned unopened with a note indicating that Mr. Hanno no longer resides at this address.
- On January 23, 2006, I sent e-mails messages to both haroder@optoline.de and hanno.roder@t-online.de. Both e-mails were returned to sender as a result of delivery failure. Copies of the e-mails sent to Mr. Roder (with failure message included) are attached.
- On February 3, 2006, I sent a copy of the subject patent application, together with the Declaration and Assignment, by courier to Mr. Roder at TauTaTis, Inc., an address found by Internet research. All attempts to deliver the envelope were unsuccessful. On the same day, the same documents were sent by e-mail to Mr. Roder at hanno.roder@tautatis.net. Although the e-mail was not returned, no response was received.

6. I am not aware of any other address at which Mr. Roder can be contacted.

7. Based on the above facts, I have concluded that either (1) Hanno Roder cannot be found or reached after diligent effort, and/or (2) Hanno Roder was presented with the formal papers and a copy of the application as filed (including the specification, claims, and drawings), that Hanno Roder has failed to sign the declaration and that Hanno Roder is unwilling to execute the declaration at this time.

**Application No.: 10/532,263**

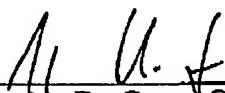
4

**Docket No.: 63249(50964)**

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

March 10, 2006

Date



Dr. Georg Schnappauf

21.Feb. 2006 16:08 DR. VOLKER VOSSIUS

Nr.5005 S. 4/14 von 1

**Dr. Georg Schnappauf**

**Von:** Sonja Knoth [knoth@crelux.com]  
**Gesendet:** Freitag, 20. Januar 2006 14:21  
**An:** Jochen.muth@biocomnet.de  
**Betreff:** WG: National Phase of SIRENADE Patent for the USA

-----Ursprüngliche Nachricht-----

**Von:** Sonja Knoth  
**Gesendet:** Mittwoch, 19. Oktober 2005 15:59  
**Betreff:** National Phase of SIRENADE Patent for the USA

Dear former members of NADAG and SIRENADE,

We are happy to inform you that the SIRENADE patent application and your invention "N,N-Bridged, Nitrogen-Substituted Carbacyclic Indolocarbazoles as Protein Kinase Inhibitors" can now enter into the national phase in the USA.

For fulfilment of legal requirement we would ask you to sign the attached document (personal signature and additional signature of a witness) which declares your consent that SIRENADE (as a successor of NADAG) will apply for the US patent. Specific agreement on ownership of the invention and the inventors' bonus are already made between you and the company within the specific agreement you signed at NADAG.

We would ask you to sign the attached document and to send it back to the company by MAIL. Unfortunately a fax signature is not sufficient.  
Please be aware of the fact that you have to sign two times.

If you have any further questions or if you need any further information please do not hesitate to contact us.

Thank you for your efforts and best regards

Sonja Knoth

SIRENADE Pharmaceuticals AG

Sonja Knoth  
Team Assistant

Am Klopferspitz 19a  
82152 Martinsried  
Germany

Phone: +49 89 700760283  
Fax: +49 89 700760222  
knoth@sirena.de.blz

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23.01.2006

21-Feb. 2006 16:09 DR. VOLKER VOSSIUS

Nr. 5005 S. 5/141 von 1

**Dr. Georg Schnappauf**

**Von:** Sonja Knoth [knoth@carolux.com]  
**Gesendet:** Freitag, 20. Januar 2006 14:22  
**An:** jochen.muth@bioconnect.de  
**Betreff:** WG: National Phase of SIRENADE Patent

**—Ursprüngliche Nachricht—**

**Von:** Sonja Knoth  
**Gesendet:** Montag, 7. November 2005 14:25  
**Betreff:** National Phase of SIRENADE Patent

Dear former members of NADAG and SIRENADE,

Again I would like to remind you to mail us the signed two pages of the assignment (see attachment), because the lodgement of the signatures is time-critical for us.

If you have any further questions or if you need any further information please do not hesitate to contact us.

Thank you and best regards,  
Sonja Knoth

---

**SIRENADE Pharmaceuticals AG**

Sonja Knoth  
Team Assistant

Am Klopferspitz 19a  
82152 Martinsried  
Germany

Phone: +49 89 700760283  
Fax: +49 89 700760222  
knoth@sirena.de.biz

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23.01.2006

21.Feb. 2006 16:09 DR. VOLKER VOSSIUS

Nr.5005 S. 6/14 von 2

**Dr. Georg Schnappauf**

Von: Martin Ried (ried@crenano.com)  
Gesendet: Montag, 23. Januar 2006 10:24  
An: 'Jochen Muth'  
Betreff: WG: Roder

Sehr geehrter Herr Muth,

Dies ist eine Antwort, die Frau Butler von Herrn Roder bekommen hat. Ober weiteren Schriftverkehr verfügt sie nicht.

Viele Grüße

Martin Ried

---

**CRENANO GmbH**

Dr. Martin Ried  
Managing Director

Am Klopferspitz 19a  
82152 München  
Germany

Phone: +49 89 700760200  
Fax: +49 89 700760222  
Mobile: +49 163 7007620  
ried@crenano.com

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— Original Message —   
From: Hanno Roder  
To: Lynn Butler  
Sent: Saturday, November 12, 2005 8:20 PM  
Subject: Re: Telephone Call

Lynn, 

I haven't received anything in that regard. Where was it sent?

Also, I don't think anything is really needed here, because there are inventor agreements in place which include such assignments.

Once we are on this topic, I have noted that there are efforts to sell the company or some of its assets. Unfortunately, the original inventor agreements do not deal clearly with such an event. It is my

23.01.2006

21.Feb. 2006 16:09 DR. VOLKER VOSSIUS

Nr.5005 S. 7/14, von 2

understanding that a final sale of patents or  
compounds thereunder would be treated like an  
exclusive licensing with regard to inventor  
compensation, since they are in effect equivalent  
monetizing events.

Regards

Hanno

23.01.2006

21.Feb. 2006 16:11 DR. VOLKER VOSSIUS

Nr.5005 S. 12/14

**Gabriele Marx**

Von: Angelika Grigoletti  
Gesendet: Montag, 23. Januar 2006 15:07  
An: Gabriele Marx  
Betreff: WG: Mail delivery failed: returning message to sender

Patentanwaltkanzlei \* Rechtsanwaltkanzlei  
Dr. Volker Vossius  
Gaibelstrasse 6  
81679 München  
Germany  
Fon: +49-89-99 84 79-6  
Fax: +49-89-99 84 79-79  
kanzlei@vovo.de  
<http://www.vovo.de/>

-----Ursprüngliche Nachricht-----  
Von: Mail Delivery System (mailto:Mailer-Daemon@t-online.de)  
Gesendet: Montag, 23. Januar 2006 14:42  
An: Kanzlei Dr. Volker Vossius  
Betreff: Mail delivery failed: returning message to sender

----- Failed addresses follow: -----  
<hanno.xoder@t-online.de>  
unknown user / Teilnehmer existiert nicht  
----- Message text follows: (body too large, truncated) -----  
Received: from vossius-1.vovo.local (zKtrAu2fweLP5uUrVrtOf68z8x7iKT05P9UdI7SQxP62tWt-  
bPmG6gG[84.152.237.35]) by fwd28.sul.t-online.de  
with esmtp id 1F1lou-0CcsEr0; Mon, 23 Jan 2006 14:33:20 +0100  
Return-Receipt-To: "Kanzlei Dr. Volker Vossius" <kanzlei@vovo.de>  
MIME-Version: 1.0  
Content-Type: multipart/mixed;  
boundary="----=\_NextPart\_001\_01C62022.A7D86E16"  
Subject:  
Disposition-Notification-To: "Kanzlei Dr. Volker Vossius" <kanzlei@vovo.de>  
X-MimeOLE: Produced By Microsoft Exchange V6.0.8249.0  
Content-ctl

21.Feb. 2006 16:11 DR. VOLKER VOSSIUS

Nr.5005 S. 13/14

**Gabriele Marx**

Von: Angelika Grigoleit  
 Gesendet: Dienstag, 24. Januar 2006 15:40  
 An: Gabriele Marx  
 Betreff: WG: Mail delivery failed: returning message to sender

Patentanwaltskanzlei + Rechtsanwaltskanzlei  
 Dr. Volker Vossius  
 Geibelstrasse 6  
 81679 München  
 Germany  
 Fon: +49-89-99 84 79-6  
 Fax: +49-89-99 84 79-79  
 kanzlei@vovo.de  
 http://www.vovo.de/

-----Ursprüngliche Nachricht-----  
 Von: Mail Delivery System [mailto:Mailer-Daemon@t-online.de]  
 Gesendet: Dienstag, 24. Januar 2006 15:21  
 An: Kanzlei Dr. Volker Vossius  
 Betreff: Mail delivery failed: returning message to sender

This message was created automatically by mail delivery software (Exim).

A message that you sent could not be delivered to one or more of its recipients. This is a permanent error. The following address(es) failed:

haroder@optoline.net  
 Connection refused:  
 retry timeout exceeded

----- This is a copy of the message, including all the headers. -----  
 ----- The body of the message is 8346401 characters long; only the first  
 ----- 10240 or so are included here.

Return-path: <kanzlei@vovo.de>  
 Received: from fwd28.sul.t-online.de  
 by mailout09.sul.t-online.com with smtp  
 id 1F11xY-000558-00; Mon, 23 Jan 2006 14:42:16 +0100  
 Received: from vossius-1.vovo.local (rk+rAuZfwelPSuUrVrOf68z8x7iKTO5P9UDI75QXF6ZTWT-  
 bPmG6g@[84.152.237.35]) by fwd28.sul.t-online.de  
 with esmtp id 1F11ou-0CcsEr0; Mon, 23 Jan 2006 14:33:20 +0100  
 Return-Receipt-To: "Kanzlei Dr. Volker Vossius" <kanzlei@vovo.de>  
 MIME-Version: 1.0  
 Content-Type: multipart/mixed;  
 boundary="----=\_NextPart\_001\_01c62022.A7D86E16"  
 Subject:  
 Disposition-Notification-To: "Kanzlei Dr. Volker Vossius" <kanzlei@vovo.de>  
 X-MimeOLE: Produced By Microsoft Exchange V6.0.6249.0  
 Content-class: urn:content-classes:message  
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 Message-ID: <D15D3141F165BB46A696C3C18C0A10E618ABD2@vossius-1.vovo.local>  
 X-MS-Has-Attach: yes  
 X-MS-TNEF-Correlator:  
 Thread-Index: AcYgIqe3a36Ezy0aSqt+mcXpV18g15gr=  
 From: "Kanzlei Dr. Volker Vossius" <kanzlei@vovo.de>  
 To: <haroder@optoline.net>  
 Cc: <hamno.roder@t-online.de>  
 X-ID: rk+rAuZfwelPSuUrVrOf68z8x7iKTO5P9UDI75QXF6ZTWT-bPmG6g@t-dislin.net  
 X-TOI-MSGID: c0e7c598-c977-401c-a822-57300f29f17d

This is a multi-part message in MIME format.

21.Feb. 2006 16:11 DR. VOLKER VOSSIUS

Nr. 5005 S. 14/14

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 Content-Type: text/plain;  
 charset="iso-8859-1"  
 Content-Transfer-Encoding: quoted-printable

US Patentanmeldung Nr. 10/532,263  
 basierend auf der PCT/EP2003/013322  
 "N,N-Bridged, Nitrogen-Substituted Carbacyclic Indolocarbazoles As =  
 Protein Kinase Inhibitors"  
 NAD AG  
 Ihr Zeichen:=20  
 unser Zeichen: 259-9 PCTUS

Sehr geehrter Herr Dr. Roder,

anbei =FCbersenden wir Ihnen folgende Dokumente f=FCr die oben genannte =  
 US-Patentanmeldung mit der Bitte um Unterzeichnung (mit blauer Tinte) =  
 und =FCcksendung an uns bis zum 3. Februar 2006:

\* Assignment by Inventors  
 Mit der Bitte um Unterzeichnung, inkl. Unterschrift eines Zeugen =  
 ("Witness").

\* Declaration for Patent Application  
 Mit der Bitte um Unterzeichnung. Eine Beglaubigung ist nicht =  
 erforderlich.

Gleichzeitig =FCberreichen wir Ihnen zu Ihrer Information die oben =  
 genannte Patentanmeldung (WO 2004/048384).

F=FCr R=FCckfragen stehen wir Ihnen selbstverst=Endlich jederzeit gerne =  
 zur Verf=FCigung.

F=FCr Ihre Bem=FChungen bedanken wir uns im voraus und verbleiben  
 mit freundlichen Gr=FC=DFan

Dr. Georg Schnappauf -09  
 Patentanwalt=09

<<Assignment 259-9 pctus.pdf>> <<Declaration 259-9 pctus.pdf>>=20

<<WO 2004 048384.pdf>>=20

-----  
 Dr. Volker Vossius  
 Patent- und Rechtsanwaltskanzlei  
 Goebelstr. 6

81679 M=FCnchen

Tel.: ++49 89 99 84 79-6  
 Fax: ++49 89 99 84 79-79  
 e-mail: kanzlei@vovo.de  
 =09

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 Content-Type: application/octet-stream;  
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 Content-Transfer-Encoding: base64